

PATENT

REMARKS

Claims 2-5 are pending in the present application. In the above amendments, claims 12-14 have been added, and claims 3-4 has been amended. Applicant respectfully responds to this Office Action.

Claim Rejections – 35 USC § 103

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirschedl et al. (U.S. Patent No. 6,262,994, hereinafter Dirschedl) in view of Su et al. (U.S. Patent No. 5,398,258, hereinafter, Su). Therefore, applicants respectfully request the Examiner to withdraw this rejection.

Applicants respectfully submit that Dirschedl does not disclose the claimed invention. Specifically, Dirschedl does not disclose "said first segment having a segment size between said minimum segment size and said maximum segment size; and . . . a second segment having a segment size less than or equal to said maximum segment size," as claimed in independent claim 3. According to the specification of the instant application, page 11, lines 32-34, the second segment size may have a segment size smaller than the minimum segment size, as claimed. Nowhere in Dirschedl is this limitation disclosed. In contrast, Dirschedl discloses selecting the size of the packet always between the minimum and the maximum. (Dirschede, Col. 2, lines 38-40). Su does not disclose what Dirschedl fails to disclose either.

Therefore, since the cited references do not disclose the claimed limitation, Applicants respectfully request the Examiner to withdraw the rejection.

Claim Rejections – 35 USC § 103

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirschedl et al. (U.S. Patent No. 6,262,994, hereinafter, Dirschedl) in view of Su et al. (U.S. Patent No.: 5,398,258, hereinafter, Su) further in view of Joy et al. (US Patent No. 6,728,263, hereinafter, Joy). Therefore, applicants respectfully request the Examiner to withdraw this rejection.

Applicants respectfully submit that Dirschedl does not disclose the claimed invention. Specifically, Dirschedl does not disclose "generating at least one segment from said data frames stored within said queue when a segment size smaller than or equal to said maximum segment size can be generated," as now claimed. As discussed above in connection with claim 3,

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according to the specification of the instant application, page 11, lines 32-34, the second segment size may have a segment size smaller than the minimum segment size, as claimed. Nowhere in Dirschedl is this limitation disclosed. In contrast, Dirschedl discloses selecting the size of the packet always between the minimum and the maximum. (Dirshedl, Col. 2, lines 38-40). Neither Su nor Joy do disclose what Dirschedl fails to disclose.

Therefore, since the cited references do not disclose the claimed limitation, Applicants respectfully request the Examiner to withdraw the rejection.

New Claim

Claim 12 is added to bring back the original claim 1; claim 1 was canceled in response to the previous office action, wherein the original claim 3 had been objected to as being dependent on a rejected claim 1, to put the objected claim 3 in condition for allowance. Applicants submit that claims 12-14 are allowable for the same reason presented above in connection to claims 3 and 4.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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